

## Message Text

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ORIGIN L-03

INFO OCT-01 ARA-16 IO-14 ISO-00 EB-11 CIAE-00 DODE-00

PM-07 H-03 INR-10 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01

SP-03 SS-20 USPS-02 SAB-01 OMB-01 OIC-04 SSO-00

NSCE-00 USIE-00 INRE-00 /109 R

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ODUSA/IA - COL WALTON

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FM SECSTATE WASHDC

TO USMISSION GENEVA IMMEDIATE

INFO AMEMBASSY PANAMA

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E.O.11652: N/A

SUBJECT: UPU-PANAMA QUESTION

REFS: A. BERN 2100,B. GENEVA 3571

1. DEPARTMENT CONCERNED THAT ADOPTION OF PANAMANIAN RESOLUTION SIMILAR TO THAT OUTLINED GENEVA 3382 CALLING ON UPU CONGRESS TO CHANGE INTERNATIONAL LIST OF POST OFFICES TO SHOW CANAL ZONE AS POSTAL SUBDIVISION OF REPUBLIC OF PANAMA COULD HAVE SERIOUS LEGAL CONSEQUENCES AND MIGHT HAVE DELETERIOUS EFFECT ON OPERATION OF POSTAL SYSTEM IN CANAL ZONE.

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2. IF IT APPEARS THAT PANAMANIAN DELEGATION IS NOT ADHERING

TO ITS ASSURANCES THAT IT WILL LEAVE MATTER WHERE IT NOW STANDS (REF B) OR OTHERS SEEK TO PROMOTE PANAMANIAN INITIATIVE, US DEL SHOULD ENERGETICALLY SEEK TO AVOID ADOPTION OF DECISION BY CONGRESS HAVING OPERATIONAL EFFECT WITH RESPECT TO CANAL ZONE. DEL SHOULD TAKE FOLLOWING LINE INITIALLY IN PRIVATE CONVERSATIONS WITH OTHER DELS AND IF APPROPRIATE IN PLENARY:

(A) WE DO NOT FEEL THAT IT IS AN APPROPRIATE FUNCTION FOR THE UPU TO BECOME INVOLVED IN THE SETTLEMENT OF JURISDICTIONAL DISPUTES BETWEEN MEMBER STATES. HISTORICALLY, THE CANAL ZONE POSTAL SERVICE HAS BEEN LISTED BY THE UPU SINCE IT IS IN FACT THE FUNCTIONING POSTAL OPERATION IN THE CANAL ZONE.

(B) ALTHOUGH PANAMA AND THE US ARE NOT IN AGREEMENT CONCERNING THE RIGHTS OF THE US UNDER THE TREATIES IN EFFECT BETWEEN THE US AND PANAMA WITH RESPECT TO OPERATION OF A POSTAL SYSTEM IN THE CANAL ZONE, REALISTICALLY THIS MATTER CANNOT BE RESOLVED BY THE UPU. RATHER, IT SHOULD BE RESOLVED THROUGH PROPER CHANNELS. AT PRESENT THE US AND PANAMA ARE ENGAGED IN NEGOTIATIONS TO REPLACE EXISTING TREATY RELATIONSHIPS WITH AN ENTIRELY NEW MODERN RELATIONSHIP AND THE QUESTION OF POSTAL JURISDICTION WILL BE ADDRESSED IN THAT CONTEXT.

(C) IN THE MEANTIME, IT IS OUR VIEW THAT THE UPU SHOULD RECOGNIZE THE REALITY THAT THE CANAL ZONE POSTAL SERVICE IS THE FUNCTIONING POSTAL OPERATION IN THE CANAL ZONE AND SHOULD NOT BECOME INVOLVED IN THE ISSUE OF INTERPRETING INTERNATIONAL AGREEMENTS BETWEEN TWO MEMBER STATES. WHERE US DEL DEEMS USEFUL, FOLLOWING POINTS SHOULD ALSO BE MADE: WERE THE UPU TO INVOLVE ITSELF IN THIS MATTER, IT WOULD BE CONSTANTLY DIVERTED FROM ITS PRIMARY POSTAL FUNCTIONS TO CONSIDER THE VARIOUS OUTSTANDING POLITICAL ISSUES BETWEEN MEMBERS WHICH DO NOT REALLY CONCERN THE ACTIVITIES OF THE UPU. WE WOULD THEREFORE CONSIDER SUCH A TREND TO BE DAMAGING TO THE UPU AND THE INTERESTS OF ITS MEMBERS.

3. IN ADDITION, DEL SHOULD CONTINUE TO TRY TO GAIN LIMITED OFFICIAL USE

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ACCEPTANCE OF OUR PROPOSED COMPROMISE RESOLUTION (STATE 111664). FAILING THIS, YOU MAY SEEK BY APPROPRIATELY DISCREET MEANS RESOLUTION TEXT WHICH, WHILE RETAINING REFERENCE TO PANAMANIAN SOVEREIGNTY OVER CANAL ZONE, DOES NOT CONTAIN LANGUAGE AFFECTING OPERATION OF US POSTAL FACILITIES IN ZONE. WE WOULD STILL VOTE AGAINST SUCH RESOLUTION BUT SUCH FORMULATION WOULD NOT HAVE AS FAR-REACHING EFFECT AS PRESENT PANAMANIAN DRAFT. IN YOUR

EFFORTS TO AVOID OPERATIVE LANGUAGE, YOU SHOULD TRY TO ENLIST SUPPORT OF WESTERN EUROPEANS AND MAY URGE FRIENDLY LATIN AMERICANS TO INTERCEDE WITH PANAMA.

4. SHOULD ABOVE TACTICS FAIL AND SHOULD PANAMA INTRODUCE RESOLUTION HAVING OPERATIVE EFFECT IN PRESENT OR SIMILAR FORM OR AS MODIFIED AS PER PARA 3 ABOVE, THE US DEL SHOULD OPPOSE, CALL FOR VOTE AND VOTE AGAINST. PRIOR TO VOTE, US DEL SHOULD MAKE STATEMENT ALONG FOLLOWING LINES:

A. WHILE U.S. RECOGNIZES THAT CANAL ZONE CONSTITUTES TERRITORY OF REPUBLIC OF PANAMA, ARTICLE III OF 1903 TREATY BETWEEN U.S. AND PANAMA GRANTS TO U.S. "ALL THE RIGHTS, POWER AND AUTHORITY WITHIN (CANAL ZONE) . . . WHICH THE UNITED STATES WOULD POSSESS AND EXERCISE IF IT WERE THE SOVEREIGN OF THE TERRITORY . . . TO THE ENTIRE EXCLUSION OF EXERCISE BY REPUBLIC OF PANAMA OF ANY SUCH RIGHTS POWER OR AUTHORITY." THIS GRANT TO U.S. OF EXCLUSIVE JURISDICTION OVER CANAL ZONE HAS BEEN REAFFIRMED IN SUBSEQUENT AGREEMENTS BETWEEN U.S. AND PANAMA.

B. THUS, U.S. CONSIDERS ANY ACT WHICH IMPLIES THAT REPUBLIC OF PANAMA IS CURRENTLY EMPOWERED TO EXERCISE ANY SOVEREIGN RIGHTS, POWER OR AUTHORITY WITH RESPECT TO CANAL ZONE IS INCONSISTENT WITH INTERNATIONAL LEGAL STATUS OF CANAL ZONE, ESTABLISHED BY INTERNATIONAL AGREEMENTS IN FORCE.

C. U.S. AND PANAMA ARE AT PRESENT ENGAGED IN PRODUCTIVE PRIVATE BILATERAL NEGOTIATIONS CONCERNING PANAMA CANAL AND CANAL ZONE. JOINT STATEMENT OF PRINCIPLES SIGNED BY FOREIGN MINISTER TACK AND SECRETARY KISSINGER ON FEBRUARY 7 OF THIS YEAR PROVIDES THAT AMONG OBJECTIVES OF THESE NEGOTIATIONS ARE (1) ABROGATION OF TREATY OF 1903 LIMITED OFFICIAL USE

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AND ITS REPLACEMENT WITH ENTIRELY NEW, MODERNIZED TREATY RELATIONSHIP AND, (2) PROMPT TERMINATION OF U.S. JURISDICTION OVER TERRITORY AND ITS RETURN TO PANAMA. THUS, U.S. GOVERNMENT HAS RECOGNIZED THAT CHANGES IN INTERNATIONAL LEGAL STATUS OF CANAL ZONE SHOULD BE MADE. BUT UNTIL NEW TREATY IS CONCLUDED, WE HAVE NO RECOURSE BUT TO CONTINUE TO OPERATE IN ACCORDANCE WITH AGREEMENTS NOW IN FORCE. IT IS FOR ABOVE REASONS THAT U.S. CANNOT CONCUR IN ACTION PROPOSED. U.S. CONTINUES TO LOOK FORWARD TO EARLY CONCLUSION OF OUR NEGOTIATIONS WITH PANAMA, AND WE UNDERTAKE TO REPORT TO UPU ALL CHANGES IN INTERNATIONAL LEGAL STATUS OF CANAL ZONE RESULT- FROM CONCLUSION OF NEW TREATY WHICH AFFECTS ACTIVITIES OF ORGANIZATION.

5. WHEN MATTER OF DELETION OF SEPARATE MEMBERSHIP FOR

TERRITORIES ARISES (PER 13 NATION AFRICAN PROPOSAL,  
GENEVA 3243), USDEL SHOULD REQUEST VOTE AND VOTE AGAINST.  
IF THIS CATEGORY OF MEMBERSHIP THEN DELETED BY VOTE IN  
PLENARY AND ATTEMPT SUBSEQUENTLY MADE TO RAISE CANAL  
ZONE MATTER IN THIS CONTEXT, USDEL SHOULD NOTE U.S.  
VIEW THAT CONGRESS ACTION MERELY DELETED SEPARATE MEM-  
BERSHIP CATEGORY FOR TERRITORIES AND IN NO WAY AFFECTS  
AUTHORITY OF MEMBER STATES TO PROVIDE POSTAL SERVICES FOR  
ALL AREAS UNDER THEIR JURISDICTION. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** SOVEREIGNTY, MEETING DELEGATIONS, PANAMA CANAL ZONE, RESOLUTIONS, POSTAL SERVICE  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 05 JUN 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** cunninfx  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974STATE118706  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** MKOZAK/IO/UNP:RREIS/IO/TRC:SFRIEDLAND  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740143-0300  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Legacy Key:** link1974/newtext/t19740671/aaaacjph.tel  
**Line Count:** 178  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** A. BERN 2100,B. GENEVA 3571  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** cunninfx  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 17 JUN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <17 JUN 2002 by kelleyw0>; APPROVED <20 FEB 2003 by cunninfx>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** UPU-PANAMA QUESTION  
**TAGS:** PFOR, US, PA  
**To:** GENEVA  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005